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HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fiftieth year

Letter dated 9 October 1995 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter from the Contact Group on the situation in Sanjak of the Organization of the Islamic Conference.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 112, and of the Security Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

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Annex

[Original: English]

Letter dated 9 October 1995 from the Chairman of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina

In my capacity as the Chairman of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina (OICCG), I have the honour to inform you that the contact group met in New York on 15 September 1995 to discuss the situation in Sanjak, and has authorized me to convey the following to your attention.

The OICCG, having recently met with a delegation from the Muslim National Council of Sanjak, expresses its grave concern at the sinister Serbian practice of continuing and systematic expulsion of the Muslim population of Sanjak with the aim of forcibly altering the demographic composition of the region by settling Serbian refugees from Croatia in this area. According to the delegation's report 1,500 Serbians from Croatia have begun to be resettled in Novi Pazar and 1,000 are expected to be resettled in Senica with more expected, causing the native population of these areas to be forcibly evicted from their ancestral homes.

The territory of Sanjak is geographically situated in the Balkan peninsula in such a way that it is in fact a land bridge between Bosnia and Herzegovina on the one side and Kosovo on the other. Bosniac Muslims, indigenous to the region, make up the majority of the population of Sanjak. Historically, these Bosniac Muslim people have the same roots and strong ties to their ancestral motherland of Bosnia and Herzegovina, which they had been physically part of for several centuries. As of this date the exact nature of their existence and status as a people remain unresolved.

While the world has only come to know of the genocidal euphemism "ethnic cleansing" recently, the Bosniac Muslim people of Sanjak, like their brethren in Bosnia and Herzegovina, have been its victims for many, many years. In recent times, or more precisely since the war of aggression began in neighbouring Bosnia and Herzegovina, Sanjak has been under direct military occupation by the Serbian-Montenegrin armed forces (both military and paramilitary). These forces have conducted a calculated and systematic campaign of terror and oppression against the civilian population of Sanjak. Examples of these heinous acts to date have included illegal arrest, detention and torture of many of Sanjak's democratically elected leadership, illegal search and seizure of property, assaulting of civilians, fire bombing of homes, and conscription of young men, often under the age of 17, into Serbian military service, where they are often sent over the border and forced to fight their fellow Bosniac Muslim people. War is in fact taking place in Sanjak, although there has not been a formal declaration by the Serbian-Montenegrin political/military authorities. The ongoing aggression and terrorism by the military authorities has to date resulted in from 70,000 to 75,000 fleeing their homes to Europe in fear for their very lives; 220 Bosniac Muslims killed, abducted or disappeared;

347 different buildings damaged including 76 family houses that have been set on fire or mined and 177 that have been damaged; 33 business premises completely destroyed and 43 damaged; 3 mosques completely destroyed and 14 mosques damaged; 45 Bosniac Muslim village settlements completely "ethnically cleansed" in the regions of Priboj and Pljevlja; 16,700 Bosniac Muslims subjected to some form of police harassment/abuse including beatings, illegal detention and even torture while in police custody.

In the light of the aforementioned facts and to stem the tide of ever-increasing numbers of human rights violations in the region of Sanjak, the following concrete steps must be taken:

(1) The Serbian-Montenegrin government must be told in no uncertain terms to put an immediate end to the illegal practices of their armed forces and police, in particular arbitrary arrests, illegal search and seizure, the taking of political prisoners, as well as all other forms of terror and oppression used against the civilian population of Sanjak.

(2) The International Conference on the Former Yugoslavia in Geneva along with the United Nations and European Union representatives must begin earnest discussions on resolving the status of the Bosniacs of Sanjak and that of all the Bosniac Muslims of the "rump" Yugoslavia who have remained statusless since 27 April 1992 when they were officially expunged from the Constitution of the Federal Republic of Yugoslavia.

(3) Pressure must be brought to bear on Belgrade to remove any and all obstacles to the return of the observers of the Conference on Security and Cooperation in Europe to Sanjak, Kosovo and Vojvodina in keeping with Security Council resolution 855 (1993). In addition, these observers should be granted a broader mandate under which they could be more effective in monitoring and preventing human rights violations in these regions.

OICCG reiterates hopes that due and urgent consideration will be given to the contents of this letter.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative
Chairman of the OIC Contact Group

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S/1995/846
6 October 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 OCTOBER 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith a letter dated 5 October 1995 from Mr. Tariq Aziz, Deputy Prime Minister, addressed to you.

I should be grateful if you would have this letter and its annexed letter from the Deputy Prime Minister circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 5 October 1995 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council

In connection with the latest visit to Baghdad by Mr. Rolf Ekeus, Executive Chairman of the Special Commission, and the talks which we held with him, as well as the half-yearly report which he is due to submit the Security Council on 11 October 1995, I should like, on behalf of the Government of Iraq, to affirm to you and the members of the Council the following:

1. The Government of Iraq and the Iraqi authorities working with the Special Commission and the International Atomic Energy Agency (IAEA) have cooperated with both in a positive and responsible manner throughout the past period. Various achievements have consequently been made, in fulfilment of the objectives and obligations contained in Security Council resolutions 687 (1991) and 715 (1991). I affirm that the Government of Iraq and the aforesaid authorities will continue to work constructively and responsibly with the Special Commission and IAEA and will cooperate fully with both in the performance of their tasks pursuant to those two resolutions.

2. It is well known to the Council that, on 19 August 1995 and thereafter, the Iraqi authorities surrendered to the Chairman of the Special Commission and the IAEA representative information concerning previous programmes that had been deliberately concealed by the former officer-in-charge of those programmes. During visits subsequent to that date by the inspection teams belonging to the Commission and IAEA, and during the latest visit by the Executive Chairman of the Special Commission, additional information and documents recently found on the subject were also submitted. The competent Iraqi authorities will continue to follow this approach, in keeping with the content of paragraph 1 above.

3. I should like to affirm, on behalf of the Government of Iraq, that, despite their content, all the information and documents surrendered after 17 August 1995 do not alter the essential fact that:

- Since the end of 1991, Iraq has kept none of the weapons or weapon components banned under the provisions of Security Council resolution 687 (1991) and has undertaken no activity that contravenes its obligations thereunder;

- Iraq cooperated fully and participated effectively in the establishment of the monitoring system, as affirmed by the Special Commission and IAEA in their reports submitted to the Council.

On the basis of this fact, which I affirm to you officially, I am certain that Iraq has fulfilled its essential obligations under Security Council resolution 687 (1991), as well as its obligations under Security Council resolution 715 (1991). I hope that the Council will take this fact into consideration during its next deliberation.

4. Various media circles have recently reported allegations that chemical weapons or materials are present in the vessels which sank during the military operations in January and February 1991 in the Shatt al-Arab and along Iraq's Gulf coastline. I affirm that the Iraqi vessels which sank during that period were carrying no chemical weapons or materials and that we are ready to cooperate with the United Nations, if it so wishes, in carrying out the task of salvaging the sunken vessels and ascertaining their contents, as well as to provide the facilities required accordingly.

(Signed) Tariq AZIZ
Deputy Prime Minister

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S/1995/847
6 October 1995

ORIGINAL: ENGLISH

LETTER DATED 6 OCTOBER 1995 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

In accordance with the provisions of Security Council resolution 689 (1991) and in the light of your report (S/1995/836), the members of the Security Council have reviewed the question of termination or continuation of the United Nations Iraq-Kuwait Observer Mission (UNIKOM), as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendation that UNIKOM be maintained. In accordance with resolution 689 (1991) they have decided to review the question once again by 6 April 1996.

I should also like to inform you that the members of the Council agree with your proposal to have Germany become a contributor to UNIKOM.

(Signed) Ibrahim A. GAMBARI
President of the Security Council

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7 October 1995

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PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, by which the Security Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR), authorized the gradual reduction of its troop level and requested me to report by 9 August and 9 October 1995 on the discharge of its mandate, the humanitarian situation and the progress made towards the repatriation of refugees. Regular oral briefings on developments related to Rwanda have been given to the Council and the present report describes developments up to 30 September.

2. In my last progress report, of 8 August (S/1995/678), I provided an update on the situation as at 3 August. Subsequently, in a letter to its President dated 29 August (S/1995/762), I informed the Security Council of recent developments in Rwanda and the Great Lakes region. In a further report dated 25 August (S/1995/741), I informed the Council of progress made on the practical and legal arrangements for the International Tribunal for Rwanda and the activities of its various organs. On 22 September, I transmitted to the President of the Council an account of the visit that the United Nations High Commissioner for Refugees had made to the Great Lakes region at my request from 31 August to 7 September 1995.

3. As Rwanda continues its search for healing and rehabilitation, problems relating to repatriation and security have again highlighted the challenges that remain. Continued cooperation with the United Nations and the international community as a whole, manifested at various levels during the period, is a positive and hopeful sign. The benefits of such cooperation, however, will be limited as long as the Rwandese remain divided by fear and mistrust and the spectre of renewed conflict hangs over the country.

II. POLITICAL DEVELOPMENTS

4. During the period under review, the Government's declared policy of promoting broad-based participation and national reconciliation was influenced by two major events. The first was the departure of Prime Minister Faustin Twagiramungu, who left office on 28 August together with four other Cabinet Ministers. The second event was the killing of 110 villagers at Kanama on 11 and 12 September. The Government, however, moved quickly to contain and counteract these events: first, it appointed a new Prime Minister and replaced the departing Cabinet Ministers; secondly, the Vice-President and Defence Minister, Major-General Paul Kagame, visited Kanama the day after the killings, acknowledged Rwanda Patriotic Army (RPA) excesses and promised punishment of the guilty.

5. The efficient manner in which the Government of Rwanda handled the forcible repatriation by Zaire of some 13,000 Rwandese refugees in August testified to the progress that has been made in stabilizing Rwanda. Despite the unexpected expulsion of the refugees, the Government, with logistical support from UNAMIR, United Nations agencies and non-governmental organizations, received and resettled its nationals in a generally humane and orderly manner.

6. On 9 September, 1,200 former members of the Rwandese Government Forces (RGF) were formally integrated into RPA after completing an intensive retraining programme, bringing to over 2,000 the number of former RGF troops now serving with RPA. Government officials point to this achievement as being consistent with the spirit of the Arusha Peace Agreement which provided for the merging of the two Rwandese armed forces into a single national army.

7. To strengthen and widen further the base for durable stability, the Government has continued its normalization efforts in the countryside, especially in the communes, where most Rwandese live and from where most refugees fled. The new Prime Minister and the new Minister of the Interior recently met with provincial administrators (Préfets), who called for the expeditious and effective restoration of local administration throughout the country. On the critical issue of security at the local level, the Minister of the Interior has reaffirmed the Government's determination to set up a new communal police force to be trained with the assistance of the civilian police component of UNAMIR.

8. The mission of the United Nations High Commissioner for Refugees to Burundi, Rwanda, the United Republic of Tanzania and Zaire revealed a strong convergence of interest among Governments, donors and refugees on the importance of a safe, accelerated, organized and voluntary return of refugees. The Office of the United Nations High Commissioner for Refugees (UNHCR) will be able to set in motion such a repatriation if all commitments made during the High Commissioner's mission are respected. For this to occur, however, the international community must lend immediate support to the efforts of UNHCR, both in the countries of origin and in those of asylum.

9. Since the High Commissioner's mission, UNHCR itself has been working in this sense. In Rwanda, officials reaffirmed their desire to see refugees return and promised to do everything in their power to facilitate voluntary return in

conditions of safety and dignity. A meeting of the Tripartite Commission involving the United Republic of Tanzania, Rwanda and UNHCR took place from 18 to 21 September, at Arusha, at which practical measures were agreed on for starting large-scale repatriation of the more than 600,000 Rwandese refugees in the United Republic of Tanzania.

10. A meeting of the Tripartite Commission involving Zaire, Rwanda and UNHCR was chaired by the High Commissioner at Geneva on 25 September. This was the first meeting of the Commission since it was created in October 1994. A joint communiqué reaffirmed commitments to create conditions for repatriation to Rwanda in a safe and organized manner. The Government of Rwanda agreed to strengthen reception facilities, reduce border controls and provide security and protection to returnees in collaboration with UNHCR and other human rights organizations. The Government of Zaire agreed to reduce all forms of intimidation in the camps within its borders. The decisions reached at that meeting will be implemented through technical meetings that will be held at Gisenyi later this month. The process will then be evaluated by the Tripartite Commission at Geneva or in Zaire.

11. In the context of a renewed regional effort to promote voluntary repatriation, UNHCR is expanding its mass information campaign aimed at the refugees in the camps, by broadcasting objective information to counter extremist propaganda. The campaign also comprises group meetings with UNHCR field staff, visits by refugees to their home communes and the dissemination of leaflets containing information gathered in Rwanda.

12. In response to the anticipated increase in the rate of return to Rwanda, UNHCR is augmenting its facilities at official border entry points to ensure the proper reception of all returnees. It is also expanding activities in the communes of origin, in cooperation with the United Nations Development Programme (UNDP), which has the lead role in their rehabilitation. Quick Impact Projects to fill gaps in UNDP long-term plans are under way in water and sanitation, education, health, shelter and community services.

13. Meanwhile, repatriation of Rwandese refugees from Burundi has been gaining momentum. Between 5 and 25 September 1995, more than 4,000 refugees were repatriated under UNHCR auspices from the camps in northern Burundi, bringing to a total of some 18,000 the refugees who have been assisted by UNHCR since June 1995. UNHCR further estimates that an equal number repatriated spontaneously. The number of Rwandese refugees remaining in Burundi is 155,000.

14. From Zaire, which currently hosts 1 million Rwandese refugees, 3,500 new caseload and 5,934 old caseload refugees were repatriated under UNHCR auspices during the month of September. During the same period, 147 refugees returned to Rwanda from Bukavu. As a result of recent developments described above, and in view of repatriation deadlines imposed by the Government of Zaire, it is hoped that the pace of repatriation will quicken substantially.

15. Crucial as these improvements are, national reconciliation depends not only on the repatriation and safe reintegration of the refugees but also on the establishment of an effective and credible national judiciary to ensure justice and equal treatment for all Rwandese nationals. Currently the judiciary remains

largely inoperative. Up to 500 people continue to be arrested weekly, usually on suspicion of involvement in the genocide, adding to the more than 50,000 currently detained in inhuman conditions in Rwanda's overcrowded jails. An effective judiciary is vital to correct this dangerous situation.

16. An improved judicial system could also help to avert a potentially damaging crisis in the long-simmering area of property rights. This problem discourages the return of refugees and is a source of much of the tension that confronts communities in various parts of Rwanda, especially in Kigali.

17. It is vital to translate into concrete action the good intentions expressed by the Government of Rwanda regarding various recovery efforts. Government officials have insisted that the continuing lack of adequate resources limits their ability to act effectively. Greater effort, however, is needed in some areas to put the Government's policies into practice. For instance, appropriate action is still awaited to finalize the selection, by the National Assembly, of the President and five Deputy Presidents of the Supreme Court.

18. The neighbours of Rwanda recognize the link between Rwanda's stability and that of the region as a whole and are supportive of my effort to convene, jointly with the Organization of African Unity (OAU), a regional conference on peace, security and development. My Special Envoy to the Great Lakes region, Mr. José Luis Jesus, having secured the full support of OAU, is currently consulting the countries concerned.

III. HUMAN RIGHTS

19. The United Nations Human Rights Field Operation for Rwanda continued its activities in the field of human rights monitoring, technical assistance to the judicial system, improvement of prison conditions and educational seminars. By the end of September 1995, it had deployed 130 members with three legal experts being assigned to work with the Ministry of Justice. As part of the working group established by my Special Representative to address the problem of overcrowding in Rwandese prisons, the Field Operation is involved in information gathering, in facilitating the work of the "triage" commissions which have been established to expedite the processing of detainees' cases, and in the coordination of short- and medium-term initiatives for rehabilitating the judicial system.

20. A database has been created with other United Nations agencies to provide accurate information on refugee movements. In this connection, human rights field officers monitor returnees by visiting transit centres and accompanying them to their home communes, where feasible. After the returnees arrive at their final destinations, follow-up visits are made to them on a weekly basis. When possible, field officers visit the home communes prior to the arrival of returnees in order to assess conditions for their reception and resettlement.

IV. INTERNATIONAL TRIBUNAL FOR RWANDA

21. Since my last report on the International Tribunal (S/1995/741), submitted pursuant to Security Council resolution 955 (1994) of 8 November 1994, the President of the International Tribunal, Judge Laity Kama, the Prosecutor, Justice Richard Goldstone, and Mr. Adronico Adede of the Office of Legal Affairs of the Secretariat, who has since been appointed Registrar of the Tribunal, travelled to Rwanda for a three-day visit. They met with senior Rwandese government officials and my Special Representative to discuss the Tribunal's operations, including the functioning of the Prosecutor's office in Rwanda. On 1 September, they visited the seat of the Tribunal at Arusha, United Republic of Tanzania, to inspect the premises designated for it, as well as a proposed prison site and accommodation arrangements for the Tribunal's staff.

22. A Headquarters Agreement relating to the seat of the Tribunal was signed on 31 August between the United Nations and the United Republic of Tanzania, and a Memorandum of Understanding with the Government of Rwanda covering the Prosecutor's office at Kigali is currently being negotiated. Despite continuing administrative and logistical difficulties, it is hoped that the Tribunal will be able to begin its proceedings before the end of the year, though this objective is threatened by the financial crisis currently afflicting the United Nations. I would like, once again, to express my gratitude to those Governments which have contributed personnel and other resources to the Tribunal and my hope that such support will continue.

V. MILITARY ASPECTS

A. UNAMIR deployment and activities

23. The reduction of the UNAMIR force level, mandated by Security Council resolution 997 (1995), continued during the reporting period. In that resolution, the Council decided to reduce the UNAMIR strength from 5,500 to 2,330 by 8 September and to 1,800 by 8 October. As at 30 September, the force stood at 1,836; a total of 288 military observers out of an authorized level of 320 were also deployed in the country (see the annex to the present report).

24. In accordance with resolution 997 (1995), UNAMIR continued to assist the Government of Rwanda in facilitating the voluntary and safe return and resettlement of refugees and in promoting a climate of confidence and trust. When Rwandese refugees were forced across the border from Zaire between 19 and 24 August, UNAMIR troops and military observers, in coordination with UNHCR and other United Nations agencies, supported the Government's resettlement efforts in several ways. This included helping to construct transit camps for the temporary accommodation of the returnees; providing vehicles to help transport the returnees from the transit camps to their home communes; and contributing to a sense of confidence among the returnees by providing a presence at the border checkpoints, in transit camps and in communes of destination. UNAMIR is helping to improve conditions in transit camps, in anticipation of a future large-scale return of refugees.

25. UNAMIR continued to make available to the Rwandese authorities its engineering and logistics capacity. The force has helped construct and renovate detention centres to relieve the overcrowding in Rwandese jails. It has also assisted in the construction or repair of bridges, roads and schools and in the transport of humanitarian assistance, including food and medicines.

B. Security aspects

26. The killing of some 110 men, women and children at Kanama, in north-western Rwanda, on 12 September was the most serious incident of violence since the Kibeho tragedy five months earlier. It seriously endangered the improvement in the security situation which had occurred in recent months. The tragedy took place in an area where reports of cross-border infiltration and sabotage from refugee camps in neighbouring Zaire had been increasing. It was the latest in a spate of killings which also took the lives of local and provincial government officials, clergymen and judges. Such acts can only exacerbate tensions, deepen fears and impede repatriation.

27. I issued a statement on 13 September expressing my serious concern about the Kanama incident and welcoming the establishment of a joint investigation team including representatives of the Government, UNAMIR and United Nations human rights monitors. I also expressed the hope that the investigation would promptly ascertain the facts and recommend measures to prevent the recurrence of such incidents. UNAMIR, human rights monitors and various United Nations agencies acted quickly to coordinate their assistance in the wake of this tragic event.

28. Cross-border infiltration and sabotage, leading to countermeasures by the Government, constitute the most worrying security problem in the country at the moment. As requested by the Security Council in resolution 1013 (1995) of 7 September 1995, I am working to set up an international commission of inquiry to look into allegations of arms supplies to and training of former Rwandese government forces. I am confident that the Commission's work will refocus attention on the need to prevent the destabilization of Rwanda. These security problems, however, are symptomatic of the underlying political impasse. It is the Rwandese people themselves who have the primary responsibility for improving the situation in their country and I again emphasize the need for all segments of Rwandese society to work together to build a stable and more secure society.

VI. CIVILIAN POLICE

29. During the reporting period, a major activity of the civilian police component of UNAMIR continued to be the training of the Rwandese National Police Force as mandated under Security Council resolution 997 (1995). The training of the third group of 515 gendarmes, which started on 31 July, is in progress and is scheduled to end early in December, giving Rwanda a total of about 900 of the estimated 6,000 trained gendarmes it needs. The training of the communal police, the second component of the Rwandese National Police Force, has been delayed because of the ongoing rehabilitation of the Communal Police Training Centre. It is expected that a 13-week intensive training programme will begin in October with the first of three groups of 750 communal police officers.

30. In addition to their training tasks, the UNAMIR civilian police continued to carry out monitoring duties, together with the military observers, in areas including the prisons and other places of detention and to maintain close liaison with local government authorities in Rwanda's 11 préfectures. Civilian police observers also continued to assist United Nations agencies, non-governmental organizations and human rights monitors in supporting humanitarian operations, especially during the forced repatriation of Rwandese refugees from Zaire.

31. In its resolution 997 (1995), the Security Council decided to maintain the current authorized level of the Mission's civilian police component. As at 30 September, a total of 87 observers from 12 countries were deployed (see annex).

VII. HUMANITARIAN ASPECTS

32. The deadline of 31 December 1995 set by the Government of Zaire for the voluntary departure of all refugees from its territory intensifies the enormous humanitarian challenges facing Rwanda and the international community in the months ahead.

33. The task of organizing voluntary repatriation of the estimated 2 million refugees currently hosted by neighbouring countries is an extremely difficult one. Following her recent visit to the region, the United Nations High Commissioner for Refugees believes that a realistic target for voluntary repatriation is between 500,000 and 600,000 persons by the end of the year. This incomplete target is, in part, due to the limited absorption capacity of many of the home communes in Rwanda. The Government of Rwanda has reaffirmed its commitment to receive and reintegrate all Rwandese refugees who wish to return. While the efficient manner in which the Government handled the forced repatriation from Zaire in August is a strong indicator of its commitment, it must be made clear to the international community that, for successful reintegration to occur, the resources required to rebuild and strengthen the capacity of communes to receive refugees have yet to be made available.

34. At my request, UNHCR is currently undertaking a demographic survey and assessment of existing infrastructure and population groups in Rwanda's communes. This exercise should help to identify the communes that are ready to receive returnees and those which need infrastructural rehabilitation. I have also requested UNHCR and the Department of Humanitarian Affairs to work with United Nations agencies and non-governmental organizations in the field to produce a special emergency appeal for the region later this month.

35. In spite of some progress since my last report, conditions in the prisons continue to constitute a major humanitarian crisis. More than 52,000 people are currently incarcerated, with arrests continuing to take place. In August, I requested the Under-Secretary-General for Humanitarian Affairs to initiate, in coordination with the Government of Rwanda and the international community, effective and urgent measures to alleviate the present appalling situation in the prisons.

36. A Plan of Action, drafted by representatives of the Government of Rwanda and UNDP, for urgent action on prisons and in the justice sector has been circulated to the international community. A small team has been set up under my Special Representative to help mobilize resources and to accelerate the improvement of prison conditions. So far, US$ 260,000 have been provided to the Secretary-General's Trust Fund for Rwanda against identified needs of more than $43 million, of which $15 million is required for prison improvements and new detention space. Pending the provision of additional resources, I have made $2 million available for these efforts from the Central Revolving Fund.

37. In September, construction of the Nsinda detention centre, which will provide an additional detention capacity of 5,000, was completed. This facility, built with the assistance of UNAMIR, UNDP and the International Commission of the Red Cross, will help alleviate the worst prison conditions by receiving detainees from the most overcrowded ones, such as Gitarama. Two out of seven temporary detention sites are also near completion, providing short-term space for another 9,500 detainees. In view of the gravity and urgency of the situation, the World Food Programme (WFP) has also made available five of its warehouses for use as temporary detention sites. Meanwhile, agreements have been reached with the Government of Rwanda on the establishment of special detention centres for women and children. It is clear, however, that these various initiatives are temporary in nature, designed to respond to an emergency humanitarian situation. Any sustained improvement in prison conditions over the long term can be secured only through parallel action to help restore the Rwandese judicial system.

38. The situation with regard to the provision of humanitarian assistance, although improved since last year, remains exceedingly fragile. The preliminary results of a survey undertaken by the Food and Agriculture Organization of the United Nations and WFP indicate that some 15 per cent of Rwanda's estimated 1 million families are vulnerable. Some 30 per cent of households are headed by women, with just under 11 per cent farming less than half a hectare of land. In this respect, I am pleased to note that efforts to promote household food security and income generation for women have been intensified during the reporting period. The United Nations Children's Fund has recently launched the first of several projects designed to assist widows and female-headed households. WFP is also helping 6,000 female-headed households through targeted assistance programmes and 4,000 through development projects for women.

39. Following the forced repatriation of refugees in August, I have decided that the United Nations Rwanda Emergency Office, which, as I informed the Security Council in my last report, had begun preparing for its eventual closure, should be extended until the end of October 1995. Transitional arrangements between the Office and the United Nations Resident Coordinator are being put in place to ensure that the coordination of humanitarian assistance will continue after this period, including the strengthening of the United Nations Disaster Management Team, headed by the Resident Coordinator. Efforts are also being made by United Nations agencies and non-governmental organizations to support the Government of Rwanda's Humanitarian Assistance Coordination Unit, which, together with UNHCR, oversees refugee movements and the initial phase of returnee assistance.

VIII. ECONOMIC AND SOCIAL ASPECTS

40. Following the mid-term review of the Geneva Round-Table Conference, held at Kigali on 6 and 7 July 1995, there has been a sizeable increase in the commitment and disbursement of funds pledged for the Government's Programme of National Reconciliation and Socio-Economic Rehabilitation and Recovery. As at 14 September, $523 million had been committed (up from $345 million in July) and $252 million disbursed (up from $86 million in July) against total pledges of $587 million made at Geneva in January 1995. In fact, since the Geneva Conference, total pledges have risen to $1,089 million. Some of these additional funds are to be disbursed over the period 1996-1997. Implementation of Round-Table projects appears to have made the most progress in the agricultural sector, whereas programming in the infrastructure sector is proceeding more slowly than expected.

41. In my last report, I informed members of the Security Council of a joint programme of the World Bank, the International Monetary Fund (IMF) and UNDP to strengthen the Government's capacity to manage its economic, financial and human resources. Since then, UNDP, in consultation with the Government, has begun developing a programme designed to enhance the latter's administrative capacity at the communal level. A further project would help to strengthen prefectural administration by developing government capacity to monitor the return of refugees and to programme rehabilitation/reintegration activities within the framework of the Government's Plan of Action for the Repatriation, Resettlement and Reintegration of Refugees.

42. Through several food-for-work and income-generating activities, WFP is now not only providing more than 100,000 needy individuals with food, but is also assisting Rwanda's agricultural recovery, rehabilitation of destroyed infrastructure and construction of new houses, schools and water facilities. UNICEF, ICRC and several non-governmental organizations, which have been active in the construction and repair of water supply systems, are also training local communities to manage their own water points.

43. The international community continues to pursue a series of initiatives designed to help reinvigorate the Rwandese judicial system. Judicial offices and court buildings are being repaired and refurbished and, together with the Ministry of Justice, are being supplied with office equipment, vehicles and other materials. Training programmes are targeting various levels of the judicial and corrections systems in order to restore staffing levels in the professional and clerical ranks. UNDP is supporting the training, by UNAMIR, of the gendarmes and communal police who make up Rwanda's National Police Force (see para. 29 above).

44. Following a sharp depreciation in July, the Rwandese franc stabilized in August, in part because of proceeds from exports, and disbursements from the World Bank's Emergency Recovery Credit. While the prices of basic food items have also stabilized, they remain high compared with levels prevailing earlier in the year. Steps were taken by the Government in August to clamp down on unauthorized foreign exchange transactions involving the Rwandese franc, which was allowed to float freely in March. The Government has also requested that all

payments involving Rwandese enterprises and individuals be made in the local currency.

IX. FINANCIAL ASPECTS

45. In its resolution 49/20 B of 12 July 1995, the General Assembly decided, as an interim measure pending the submission at its fiftieth session of revised cost estimates and the report of the Advisory Committee on Administrative and Budgetary Questions, to appropriate $109,951,900 gross ($107,584,300 net) for the operation of UNAMIR for the period from 10 June to 31 December 1995. As requested by the Assembly, my report containing revised cost estimates for UNAMIR is in preparation and will include the requirements for the current mandate period.

46. As at 26 September 1995, the total outstanding contributions to the UNAMIR special account since the inception of the mission amounted to $159.3 million. The total outstanding assessed contributions for all peace-keeping operations amounted to $2,589.7 million.

X. CONCLUDING OBSERVATIONS

47. Since my progress report of 8 August (S/1995/678), UNAMIR has continued to discharge the tasks entrusted to it under Security Council resolution 997 (1995). The efforts of UNAMIR, as well as the assistance provided by United Nations agencies, non-governmental organizations and the international community as a whole, have made an important contribution to Rwanda's rehabilitation programme. Although much remains to be done, visible progress towards normalization and stability has been achieved.

48. It is clear that sustainable recovery is possible only in conditions of genuine peace and stability. Creating and sustaining such conditions is a matter primarily for the Rwandese themselves. Their country has come a long way from the carnage and chaos of just over a year ago. Yet the recent crises created by the expulsion of Rwandese refugees from Zaire and the killings near Gisenyi have underlined the fragility of the current recovery process.

49. The damage done to Rwanda's society and psyche by last year's tragic events has been brutal and profound. It is essential that those responsible be brought to justice so as to put an end to the prevailing culture of impunity and to prevent a recurrence of such atrocities. I am hopeful that the International Tribunal will soon commence its proceedings and that substantial, timely progress will be made on the installation of an effective national judiciary.

50. The refugee problem is perhaps the most immediate cause and consequence of the instability and political divisions confronting Rwanda and the Great Lakes region as a whole. If satisfactory solutions are to be found, it will be necessary to tackle the underlying political causes. This will require a process of genuine national reconciliation between the various segments of Rwandese society as envisaged under the Arusha Peace Agreement (A/48/824-S/26915, annexes). To this end, I wish to stress once again the importance of

dialogue and to recall the discussions I had with Rwandese officials during my visit to their country in July concerning the possibility of organizing informal round-table meetings and inviting participants from all sectors of Rwandese society, including the refugee community.

51. The issues before us go beyond Rwanda's borders. I remain convinced that long-term peace in Rwanda will continue to be elusive as long as large concentrations of Rwandese nationals remain encamped in neighbouring countries. I hope that the Commission of Inquiry recently approved by the Security Council to investigate reports of military training and arms transfers to former Rwandese government forces will help defuse tensions and promote mutual confidence along Rwanda's borders. I welcome recent efforts to improve relations among the States in the region, which should help pave the way for the proposed Regional Conference on Peace, Security and Development. In this regard, I will soon be reporting to the Council on the results of my Special Envoy's first round of consultations in the Great Lakes region.

52. In conclusion, while Rwanda has made visible progress in its efforts to overcome the problems created by the tragic events of 1994, the country still has a long road to travel in its search for reconciliation and recovery. The mandate of UNAMIR is set to expire on 8 December 1995 and it is now time for the Government of Rwanda and the international community to give serious consideration to the future role of the United Nations in Rwanda.

53. Meanwhile, in view of the acute financial crisis currently faced by the Organization (the United Nations is today owed $3.24 billion), I have instructed all the heads of peace-keeping operations to explore ways to effect immediate savings, including possible troop reductions. In the case of UNAMIR, the Special Representative is currently studying, in consultation with the Government, the possibility of a very substantial troop reduction. I will be reporting to the Security Council in due course on this matter.

54. In submitting this report, I wish to express warm thanks to my Special Representative, Mr. Shaharyar Khan, to the Force Commander, Major General Guy Tousignant, and to the military, police and civilian personnel of UNAMIR for their dedicated efforts, on behalf of the United Nations, to help the people of Rwanda and to promote the cause of peace in extremely difficult circumstances.

Annex

COMPOSITION OF UNAMIR AS OF 30 SEPTEMBER 1995

Country	Military personnel			Civilian police	Grand total
	Troops	Observers	Total		
Argentina		1	1		1
Australia	0		0		0
Austria		15	15		15
Bangladesh		36	36		36
Canada	100	10	110		110
Chad	2		2	5	7
Congo		7	7		7
Djibouti			0	5	5
Ethiopia	0		0		0
Fiji		1	1		1
Germany			0	7	7
Ghana	313	34	347	10	357
Guinea		17	17		17
Guinea-Bissau		1	1	6	7
India	943	22	965		965
Jordan		5	5	4	9
Malawi	136	14	150		150
Mali	132	13	145	10	155
Nigeria	152	17	169	10	179
Niger			0	7	7
Pakistan		5	5		5
Russian Federation		17	17		17
Senegal	1	2	3		3
Switzerland				3	3
Tunisia	19	0	19	10	29
Uruguay		26	26		26
Zambia	32	20	52	10	62
Zimbabwe	0	25	25		25
Total	1 836	288	2 124	87	2 211

Map No. 3807.1 Rev. 12 UNITED NATIONS
September 1995

Department of Public Information
Cartographic Section

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Security Council

Distr.
GENERAL

S/1995/849
9 October 1995

ORIGINAL: ENGLISH

LETTER DATED 8 OCTOBER 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Today at 11.45 local time, the Pale Serb terrorists launched Orkan rockets and anti-tank missiles on the improvised Oskova refugee camp in the town of Zivinice, which is within the borders of the Tuzla safe area. In the course of this attack, four children and two women were killed, and 25 persons wounded, most of them children. At 14.30 local time, the aggressor continued this attack, launching mortar shells at the city centre of Zivinice. One civilian was killed and four others were heavily wounded. Substantial material damage was also reported.

Shortly after the attack on Zivinice, Pale Serb terrorists carried out an air attack in the area of Tesanj. According to the first reports available, two children have been killed and more than 50 civilians wounded, the majority of whom are children.

These latest criminal attacks against populated areas are even more monstrous in the light of the fact that the targets were makeshift refugee camps housing those who were expelled from the United Nations "safe areas" of Srebrenica and Zepa by the same Pale Serb terrorists.

The perpetrators of this latest crime and their leaders will have to be held accountable for those crimes before the International war crimes Tribunal in The Hague.

This latest attack against civilians also presents a blatant violation of the status of safe areas designated by Security Council resolutions 824 and 836, and demands urgent and vigorous action by the United Nations and the North Atlantic Treaty Organization (NATO), consistent with relevant Security Council resolutions and NATO decisions.

The Government of the Republic of Bosnia and Herzegovina expects the Security Council to act in accordance with its commitments and authorizations and, in this context, draws attention to the fact that such terrorist acts

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present a deliberate undermining of the international community's efforts towards the restoration of a cease-fire and directly endanger the continuation of the peace process.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires a.i.

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Security Council

Distr.
GENERAL

S/1995/850
9 October 1995

ORIGINAL: ENGLISH

LETTER DATED 9 OCTOBER 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

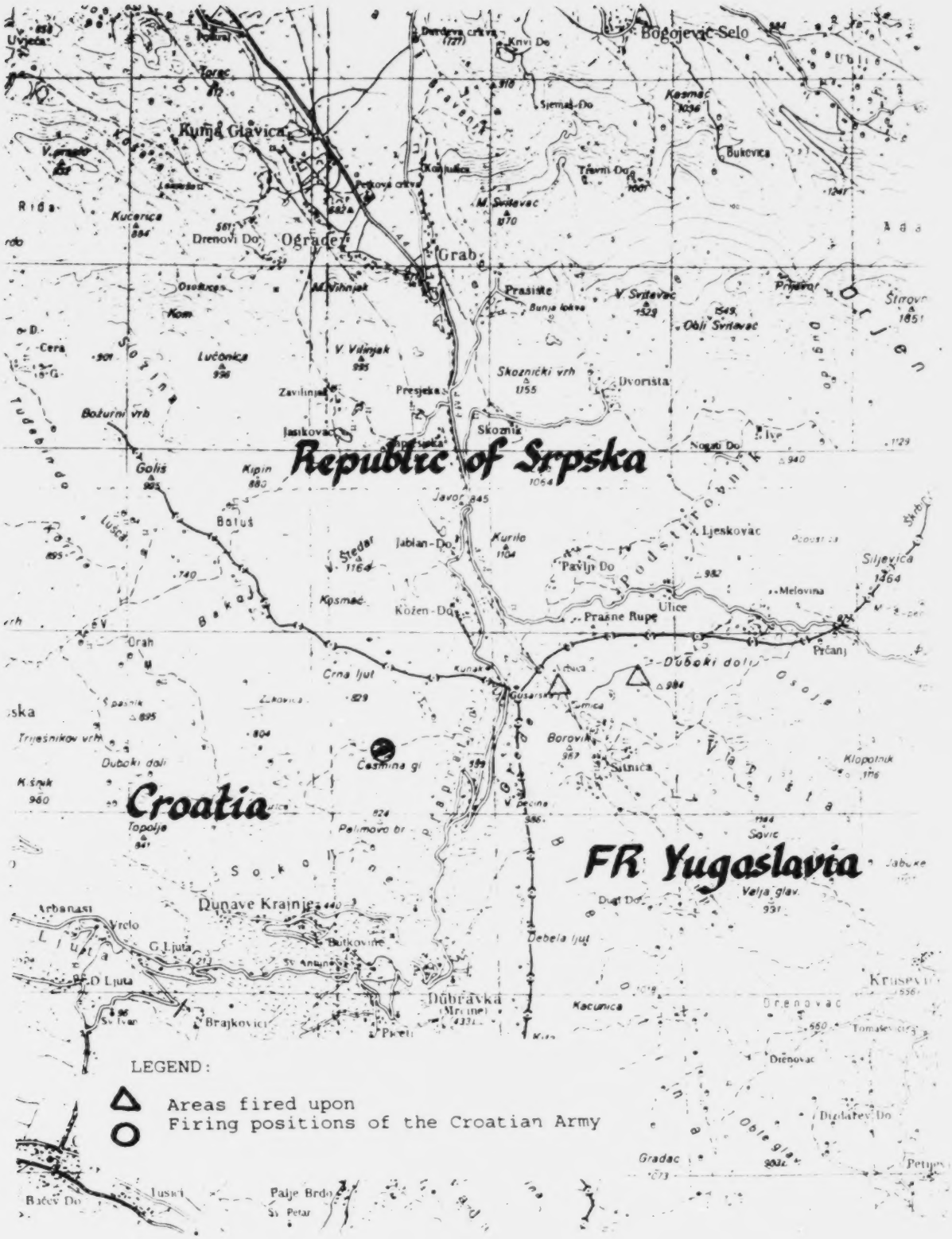
With regard to the letters of the Ambassador of Croatia dated 6 September 1995 (S/1995/770) and 2 October 1995 (S/1995/838), upon instructions of my Government I have the honour to inform you of the following.

The Croatian forces have on several occasions launched attacks on the territory of the Federal Republic of Yugoslavia. Their aim was to provoke the Army of Yugoslavia and subsequently portray the Yugoslav side as an aggressor engaged in the military activities on this part of the border. The statement by the Ambassador of Croatia "that the Croatian Army units did not launch any attack on the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) neither on 28 August 1995 nor at any time before or after that date", is absolutely untrue and a feeble attempt by Croatia to evade responsibility for its aggressive acts.

The administrative borders among the republics of the former Socialist Federal Republic of Yugoslavia have never been precisely delineated on the ground which makes it possible for all secessionist Yugoslav republics to interpret them in an arbitrary fashion. It is quite evident that this is exactly what the Croatian authorities are doing with regard to their latest attack on the territory of the Federal Republic of Yugoslavia. The cadastre borders between the counties of Sitnica in the Federal Republic of Yugoslavia and the neighbouring Croatian counties are shown in the map, attached hereto. Despite the fact that the disputed areas of Gusarska Jama and Prasne Rupe are located on the very border between the Republic of Srpska and the Federal Republic of Yugoslavia, it is quite clear from the map that the Croatian shells fired from positions of Cesmina Glava (marked by a circle in the map) fell well into the territory of the Federal Republic of Yugoslavia, at points marked by triangles. The township of Kozarske Jame as shown in the Croatian map does not exist. That locality has been known as Gusarska Jama.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Ambassador
Chargé d'affaires a.i.


Republic of Srpska
Croatia
FR Yugoslavia
Bogojevac Selo
Kunja Glavica
Ograde
Grab
Skoznik
Batuš
Ljeskovac
Pavlji Do
Prasne Rupe
Ulice
Pričanj
Siljevica
Borovik
Sutnica
Dubrava
Dunave Krajine
Brajkovici
Dubovac
Drenovac
Gradac
Petrin
LEGEND:
Areas fired upon
Firing positions of the Croatian Army

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General Assembly
Security Council

Distr.
GENERAL

A/50/527
S/1995/851
9 October 1995
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fiftieth session
Agenda item 44
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fiftieth year

Letter dated 9 October 1995 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israeli practices and repeated Israeli attacks in Southern Lebanon and the western Bekaa, I have the honour to inform you of a series of Israeli attacks that occurred during the second half of September 1995:

19 September 1995

Israeli forces shelled areas outside Chaqra, Braachit, Majdel Silm, Touline, Qabrikha, Froun, Ghandouriyé and Tibnine.

20 September 1995

Israeli forces shelled the outskirts of Nabatiyé el-Faouqa.

Israeli military aircraft overflew the Nabatiyé area.

21 September 1995

Israeli forces shelled the hills of Machghara, Ain at-Tiné, Mlita and Jabal Safi, killing a Lebanese national.

Israeli military aircraft overflew and attacked Machghara and the course of the Nabaa al-Tasa.

Israeli military vessels opened fire on the coastline of Tyre.

22 September 1995

Israeli military aircraft overflew the Iqlim at-Touffah area.

24 September 1995

Israeli forces attacked the home of a Lebanese national in Rihane, Jezzine district, with a view to fortifying their positions.

25 September 1995

Israeli forces shelled areas outside Kafra, Yatar, Haddatha, Haris, Jbal al-Botm, Zibqine and Siddiqine in association with Israeli military aircraft flying overhead, as a result of which a boy from Haddatha was wounded.

26 September 1995

Israeli forces shelled areas outside Jarjoua, Ain Bousoir, Mlita, Jabal Safi, Qabrikha, Touline, Majdel Silm and Souané.

27 September 1995

Israeli forces shelled areas outside Ain Bousoir, Jarjoua, Arabsalim, Machghara and the course of the Litani River in Iqlim at-Touffah.

Israeli military aircraft overflew the Chtaura area.

28 September 1995

Israeli forces shelled areas outside Aita al-Jabal, Haddatha, Haris, Kafra and Yatar.

29 September 1995

Israeli forces shelled the Nabatiyé al-Faouqa area and the areas outside Kfar Man and Kafrtibnit.

30 September 1995

Israeli forces shelled areas outside Chaqra, Majdel Silm, Qabrikha, Touline and Tibnine.

The Lebanese Government strongly condemns the repeated Israeli attacks, which have brought enormous damage to property. It further condemns in the strongest terms the arbitrary practices against civilians that have prevented them from cultivating their fields, pursuing their occupations and earning their livelihoods.

Like previous attacks, this new series constitutes flagrant aggression against the sovereignty and independence of Lebanon and represents another flagrant violation of international law and fundamental human rights.

The continued violence is ultimately due to Israel's maintenance of its occupation and its refusal to comply with Security Council resolution 425 (1978), which calls for Israel's withdrawal to the internationally recognized boundaries and for the Lebanese Government to be allowed to extend its authority over all its territory by means of its legally constituted forces.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 44, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

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NATIONS

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Security Council

Distr.
GENERAL

S/1995/852
9 October 1995

ORIGINAL: ENGLISH

LETTER DATED 6 OCTOBER 1995 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to inform you of the following.

The Government of the United States of America has recently published a special warning under Navigation Notice No. 27/95 of 12 May 1995 through the Middle East Navigation Aids Service in Bahrain. In addition to unfounded allegations against the Islamic Republic of Iran, the special warning has declared the area of the northern Persian Gulf as unsafe for commercial shipping and falsely attributed the insecurity of the area to Iranian flag ships.

The United States allegations relate to those measures by the naval forces of the Islamic Republic of Iran which aim to maintain the security and safety of international navigation in the region, implement provisions of sanctions against Iraq, and in particular prevent misuse of the Iranian flag or the use of forged documents and manifests.

Being fully aware of and committed to its obligations for the maintenance of safety and security in the region, and in the implementation of the relevant Security Council resolutions as the largest littoral country in the Persian Gulf, the Islamic Republic of Iran categorically rejects the above-mentioned allegations.

Expressing concern about the misuse of Security Council resolutions by the United States, which takes place with the purpose of expanding its military presence in the Persian Gulf area, the Government of the Islamic Republic of Iran considers the recent activities and provocative statements by the United States Government to be in contravention of its obligations under Article 2 of the Charter of the United Nations, which give rise to crisis and insecurity in the region, and condemns them as a source of threat against international peace and security.

It would be appreciated if this letter were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

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NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/50/529
S/1995/853
9 October 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 6 October 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 5 October 1995, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter, and its annex, could be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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Annex

Letter dated 5 October 1995 from Mr. Osman Ertuğ addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 25 September 1995 addressed to you by Mr. Nicos Agathocleous, the Greek Cypriot Representative at the United Nations, which contains allegations regarding "violations of the airspace of the Republic" (A/50/477-S/1995/822).

I would like to recall that previous similar allegations were rejected in toto in my communication addressed to you on 11 September 1995 (A/49/964-S/1995/788), and to stress that the present ones are no more credible or valid than those previously made. In putting out such allegations, the Greek Cypriot administration knows only too well that the areas referred to as the northern coast of the island and the "northern and north-western flight information region (FIR) of Nicosia" are in fact areas which are under the sovereignty and jurisdiction of the Turkish Republic of Northern Cyprus. Once again, without going into the details of the Greek Cypriot charges, which do not merit a detailed reply, I wish to reiterate that the flights within the airspace of Northern Cyprus are with the full knowledge and consent of the appropriate authorities of the Turkish Republic of Northern Cyprus, over which the Greek Cypriot administration has no right of say whatsoever.

The reason behind the Greek Cypriot side's persistent barrage of allegations regarding this or similar other subjects is clearly to cover up its intensive militarization campaign in the South, as part of the so-called "joint defence doctrine" with Greece. It is noteworthy that, in the context of the said scheme, the Greek Cypriot administration and Greece have recently carried out joint military exercises in Southern Cyprus code-named "Nikiforos 95", in which the Greek air force and navy also took part. During these exercises, a barrage of slogans reflecting the Greek-Greek Cypriot intentions to "attack and capture" Northern Cyprus also poured out from the South, leadership and public alike. As is known, bolstered by its newly purchased offensive weapons and the military support of Greece, the Greek Cypriot leadership has now gone so far as declaring that war is an option for the Greek Cypriot side in Cyprus.

Furthermore, through such allegations, the Greek Cypriot side is aiming to create a smokescreen for its evasion of the negotiating table. The Greek Cypriot side continues to reject the implementation of the confidence-building measures and the Greek Cypriot leader, Mr. Clerides, stubbornly rejects President Denktaş's repeated calls for a face-to-face dialogue. Rather than being supportive of your mission of good offices, the Greek Cypriot administration is increasingly distancing itself from the negotiating process by shifting the focus to European Union membership, which it has made a precondition for the talks, with a view to altering the established parameters of an overall settlement.

I am confident that the international community will not fail to notice the new efforts of the Greek Cypriot side aimed at escalating the conflict and its policy of rejecting direct talks, and will do what it can to persuade the other side to abandon this counterproductive approach.

I should be grateful if this letter could be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/854
9 October 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 OCTOBER 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the Kuwaiti Air Force has violated the instructions relating to the implementation of the demilitarized zone. At 1300 hours on 1 October 1995 a Kuwaiti military helicopter overflew the Al-Khawr camp inside the demilitarized zone and landed at a distance of 1 kilometre to the south-west of the above-mentioned camp. The helicopter then took off and returned to the Kuwaiti rear, 10 minutes after landing inside the demilitarized zone.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/855
9 October 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 OCTOBER 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi national airspace committed by United States aircraft in order to carry out reconnaissance and cause provocation continued over the period from 21 to 30 September 1995.

21 September 1995

1. Southern region: 58 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Salman, Qurnah, Jalibah, Artawi and Busayyah.

22 September 1995

1. Northern region: 22 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Zakho, Amadiyah, Dohuk, Tall Afar, Ayn Zalah, Mosul, Irbil and Aqrah.

2. Southern region: 50 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Basra, Nasiriyah, Samawah, Chabaish, Jalibah, Busayyah, Artawi and Shanafiyah.

3. On 22 September 1995, two United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

The first flight entered Iraqi airspace at 0813 hours and left in the direction of Kuwait at 0926 hours.

The second flight entered Iraqi airspace at 1110 hours and left in the direction of Kuwait at 1142 hours.

23 September 1995

1. Northern region: 10 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Dohuk, Tall Afar, Aqrah, Ayn Zalah, Zakho and Amadiyah.

2. Southern region: 44 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Basra, Samawah, Nasiriyah, Qurnah, Chabaish and Artawi.

24 September 1995

1. Northern region: 6 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Zakho, Dohuk and Amadiyah.

2. Southern region: 32 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Qurnah, Chabaish, Qal'at Salih, Jalibah and Busayyah.

3. On 24 September 1995, two United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at medium altitudes violated Iraqi airspace in areas in the south of the country, as follows:

The first flight entered Iraqi airspace at 0947 hours and left in the direction of Kuwait at 0956 hours.

The second flight entered Iraqi airspace at 1020 hours and left in the direction of Kuwait at 1230 hours.

25 September 1995

1. Northern region: 8 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Irbil, Zakho, Aqrah and Amadiyah.

2. Southern region: 69 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Jalibah, Artawi, Shatrah and Busayyah.

3. On 25 September 1995, two United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

The first flight entered Iraqi airspace at 1015 hours and left in the direction of Kuwait at 1035 hours.

The second flight entered Iraqi airspace at 1200 hours and left in the direction of Kuwait at 1247 hours.

26 September 1995

1. Northern region: 6 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho and Amadiyah.

2. Southern region: 66 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Artawi, Qurnah, Shatrah, the area to the south of Najaf, Jalibah and Busayyah.

3. On 26 October 1995, two United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

The first flight entered Iraqi airspace at 1034 hours and left in the direction of Kuwait at 1135 hours.

The second flight entered Iraqi airspace at 1327 hours and left in the direction of Kuwait at 1405 hours.

27 September 1995

1. Southern region: 54 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Basra, Qurnah, Chabaish and Jalibah.

28 September 1995

1. Northern region: 8 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Zakho, Dohuk, Ayn Zalah, Tall Afar and Amadiyah.

2. Southern region: 69 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Basra, Jalibah, Artawi and Busayyah.

3. On 28 September 1995, two United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

The first flight entered Iraqi airspace at 0910 hours and left in the direction of Kuwait at 1030 hours.

The second flight entered Iraqi airspace at 1200 hours and left in the direction of Kuwait at 1218 hours.

29 September 1995

1. Northern region: 16 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Zakho, Dohuk, Tall Afar, Amadiyah, Aqrah, Mosul and Irbil.

2. Southern region: 78 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Artawi, Jalibah, Qurnah, Busayyah, Samawah, Nasiriyah, Shu'aybah and Basra.

3. On 29 September 1995, two United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

The first flight entered Iraqi airspace at 1215 hours and left in the direction of Kuwait at 1431 hours.

The second flight entered Iraqi airspace at 1610 hours and left in the direction of Kuwait at 1650 hours.

30 September 1995

1. Northern region: 22 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Zakho, Dohuk, Amadiyah, Mosul, Irbil and Tall Afar.

2. Southern region: 102 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Amarah, Nasiriyah, Samawah, Chabaish, Artawi, Busayyah, Jalibah and Safwan.

3. At 1010 hours on 30 September 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in areas in the south of the country and left in the direction of Kuwait at 1208 hours.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Security Council

Distr.
GENERAL

S/1995/856
11 October 1995

ORIGINAL: ENGLISH

LETTER DATED 11 OCTOBER 1995 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated today, from H.E. Mr. Muhamed Sacirbey, Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, addressed to you.

May I ask for your kind assistance in circulating the present letter, and its annex, as a document of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires, a.i.

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Annex

Letter dated 11 October 1995 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council

In the midst of the intensive efforts of the Contact Group for Bosnia and Herzegovina and the negotiating team of the United States of America led by Assistant Secretary of State, Mr. Richard Holbrooke, and directed towards achieving a peace settlement for Bosnia and Herzegovina, the Pale Serbs have intensified ethnic cleansing, in particular in the regions of Banja Luka and Doboj. As is well known, from 15 August to 21 September 1995 more than 20,000 Bosniaks and Croats were expelled from these two regions. Yet another 5,000 have been expelled in the last 10 days.

At the same time, the rebel Serb authorities have separated and detained all men of working age and forced them to carry out the most difficult physical work, and very often, these detainees are used as human shields on the battle lines.

This latest intensification of the ethnic cleansing of parts of North-western and Central Bosnia coincides with the arrival in these regions of a notorious war criminal, Zeljko Raznjatovic Arkan, and his paramilitary hordes known as "Tigers". Since their arrival, other forms of terror against Bosniaks and Croats have increased in frequency - in particular rape, destruction, and burning down of houses, looting of their belongings, and murders. The responsibility for these crimes cannot be attributed only to Zeljko Raznjatovic Arkan and his hordes, but also to the authorities of the Federal Republic of Yugoslavia, as this war criminal and his hordes have originated from its territories, crossing Serbia's border with Bosnia and Herzegovina - the border that the President of Serbia, Slobodan Milosevic, claims to have sealed for all transport except for humanitarian goods.

The leadership of the rebel Pale Serbs has coordinated its actions with these paramilitary units from Serbia and has ensured all necessary background support for their activities.

Even after President Milosevic and his protégés from the Pale regime have accepted in the "agreed principles" adopted in Geneva on 8 September 1995 the provisions on the right of refugees to return, this practice of expelling the non-Serb population from the Serb-held territories - instead of being halted - has only been intensified, in this way sabotaging the whole peace process. This has also made clear that they do not intend to implement that to which they have already committed themselves.

If the ethnic cleansing of Bosniaks and Croats from Serb-held territories does not cease immediately, the whole peace process, which has begun to gain momentum and which has opened a real chance for the achievement of peace, may lose all its sense.

(Signed) Muhamed SACIRBEY

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Security Council

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GENERAL

A/50/532
S/1995/857
9 October 1995
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fiftieth session
Agenda item 44
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fiftieth year

Letter dated 9 October 1995 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of October, I have the honour to transmit to you herewith a copy of resolution 5495, dated 21 September 1995, adopted by the Council of the League of Arab States at its 104th ordinary session, concerning Lebanese hostages and detainees held in Israeli prisons and camps in occupied southern Lebanon. I wish to draw attention to operative paragraphs 2, 3 and 5 of the resolution, which is annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the fiftieth regular session of the General Assembly, under agenda item 44 entitled "The situation in the Middle East", and of the Security Council.

(Signed) Mohamed A. AZWAI
Ambassador
Permanent Representative
Chairman of the Arab Group

Annex

Resolution 5495, on Lebanese detainees in Israel, adopted at the 104th ordinary session of the League of Arab States on 21 September 1995

The Council of the League,

Having taken note of the memorandum of the General Secretariat and of the recommendation of the Political Affairs Committee,

Strongly condemning Israeli attacks and oppressive practices in the occupied Lebanese territories of southern Lebanon and the western Bekaa, in particular the kidnapping and detention of innocent citizens who are imprisoned without trial in prisons in Israel and in the camps run by its forces,

Recalling with deep regret Israel's failure to implement Security Council resolution 425 (1978) and relevant subsequent resolutions,

Mindful of the principles of international law concerning the protection of human rights, in particular the Universal Declaration of Human Rights, the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and The Hague Convention of 1907,

Noting that Israel has prevented the International Committee of the Red Cross and other international organizations from visiting the detainees and inspecting their health and humanitarian conditions, which have caused a number of deaths,

Recalling the relevant resolutions of the Commission on Human Rights adopted in Geneva,

Decides

1. To condemn persistent Israeli violations of human rights in southern Lebanon and the western Bekaa involving the kidnapping and arbitrary arrest of civilians, destruction of their homes, confiscation of their property, expulsion from their land and the shelling of peaceful villages and urban areas;

2. To request the international community, and the United Nations in particular, to take all necessary steps to deter Israel from committing such violations and to implement Security Council resolution 425 (1978) which calls for Israel's complete and unconditional withdrawal forthwith from all Lebanese territory and for respect for the sovereignty, independence and territorial integrity of Lebanon;

3. To request the international community to make all necessary representations to Israel to secure the release of all Lebanese prisoners and victims of kidnapping held in prisons in Israel and in the camps run by its

forces in violation of the provisions of international law, the fourth Geneva Convention of 1949 and The Hague Convention of 1907;

4. To urge the member States to use their good offices in international organizations so that all necessary representations are made to the Government of Israel, the occupying Power, to enable the International Committee of the Red Cross and other humanitarian organizations to visit the detainees in Khiam and Marjayoun, to inspect their conditions, to provide them with health and humanitarian care and to allow their relatives to visit them regularly;

5. To demand the conduct of investigations, as required by international treaties, concerning Lebanese detainees who have died in Israeli camps and prisons, and the payment of appropriate compensation in accordance with the applicable international law.

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Security Council

Distr.
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GENERAL ASSEMBLY
Fiftieth session
Agenda item 44
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fiftieth year

Letter dated 9 October 1995 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

As Chairman of the Arab Group for the month of October, I have the honour to transmit to you herewith a copy of resolution 5493 adopted by the Council of the League of Arab States at its 104th ordinary session on 21 September 1994 and entitled "The Occupied Syrian Arab Golan", drawing attention to operative paragraphs 2 and 4 of the said resolution.

I should be grateful if you would have this letter and its annex circulated as a document of the fiftieth regular session of the General Assembly, under agenda item 44, entitled "The situation in the Middle East", and of the Security Council.

(Signed) Mohamed A. AZWAI
Ambassador
Permanent Representative
Chairman of the Arab Group

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ANNEX

Resolution 5493 adopted by the Council of the League of Arab States at its 104th ordinary session on 21 September 1995 and entitled "The Occupied Syrian Arab Golan"

The Council of the League of Arab States,

Having examined:

The note of the General Secretariat;

And the recommendation of the Political Affairs Committee;

Following with increased concern and apprehension the continued Israeli occupation of the Syrian Arab Golan, Israel's persistent refusal to apply the United Nations resolutions and to submit to the will of the international community, which considers the Israeli occupation and its decision to annex the Syrian Arab Golan as null and void and lacking validity;

Having carefully studied the situation in the occupied Syrian Arab Golan in the light of the practices of the Israeli occupying authorities in violation of the Charter of the United Nations, international treaties, international law, the United Nations resolutions and the peace process;

Recalling its earlier resolutions as well as international resolutions affirming the inadmissibility of the acquisition of territory by force;

Decides

1. To reaffirm its resolution 4126 of 13 January 1982 and subsequent resolutions, the most recent being resolution 5457 of 29 March 1995, which provides that all measures adopted by the Israeli occupying authorities with a view to altering the juridical, natural and demographic situation in the occupied Syrian Arab Golan are to be rejected and that Israeli measures to extend Israeli sovereignty over the occupied Syrian Arab Golan are to be considered as unlawful and null and void and as constituting a violation of international agreements, the Charter of the United Nations and the United Nations resolutions, in particular Security Council resolution 497 (1981), General Assembly resolution 49/87 B of 16 December 1994, which affirmed that the Israeli decision of 14 December 1981 annexing the occupied Syrian Arab Golan was unlawful and null and void and that the Knesset decision of 11 November 1991 for the same purpose was null and void and without validity and constituted a grave violation of Security Council resolution 497 (1981);

2. To call upon the sponsors of the peace process and the international community to assume their responsibility for compelling Israel to comply with the applicable international resolutions calling for complete withdrawal from the occupied Syrian Arab Golan and to assist Syria in its firm position of commitment to the achievement of a just and comprehensive peace in the region;

3. To support the resistance of the Syrian Arab nationals and stand by them in their opposition to Israel's occupation and repressive practices, their persistence in clinging to their land and their Syrian Arab identity, and to reaffirm the applicability of the 1949 Geneva Convention to the citizens of the occupied Syrian Arab Golan;

4. To appeal to the international community, and especially the sponsors of the Madrid Peace Conference on the Middle East, to prevail upon Israel to implement the United Nations resolutions on complete Israeli withdrawal from the Golan to the line of 4 June 1967 and from the occupied Arab territories;

5. To reaffirm the resolute support of the Arab States for Syria's just claim and its right to the return of all of the occupied Syrian Arab Golan, based on the foundations of the peace process and the United Nations resolutions.

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Security Council

Distr.
GENERAL

S/1995/859
10 October 1995

ORIGINAL: ENGLISH

LETTER DATED 10 OCTOBER 1995 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have considered your report of 29 September 1995 pursuant to Security Council resolution 1009 (1995) (S/1995/835). The members of the Security Council agree with the arrangements set out in that report for the remainder of the current mandate of UNCRO pending, in the case of Eastern Slavonia, the outcome of the ongoing negotiations on the subject.

(Signed) Ibrahim A. GAMBARI
President of the Security Council

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S/1995/860
11 October 1995

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication, dated 10 October 1995, which he has received from the Director General of the International Atomic Energy Agency (IAEA).

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Annex

Letter dated 10 October 1995 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

In my letter to you of 2 May 1995 (S/1995/353, annex), I asked you to bring that letter and the enclosed copy of my most recent written report on safeguards implementation in the Democratic People's Republic of Korea (DPRK) (GOV/2687/Add.10 of 6 March 1995) to the Agency's Board of Governors to the attention of the Security Council. I also undertook to report further developments to the Council as requested.

My letter of 2 May referred to verification measures being implemented at nuclear facilities in the DPRK whether or not covered by the freeze on the DPRK's graphite-moderated reactors and related facilities foreseen in the agreed framework between the DPRK and the United States of America. The report enclosed with my letter referred, inter alia, to the difference of view between the Agency and the DPRK about the current status of the DPRK's safeguards agreement. The DPRK views the acceptance of measures required by the Agency to monitor the freeze only in the context of the agreed framework and not as implementation of the safeguards agreement, which it considers inoperable at the present stage. The DPRK has indicated that it will allow full implementation of the safeguards agreement when a significant portion of the light water reactor project foreseen in the agreed framework is completed.

My letter of 2 May referred also to issues to be addressed at further technical talks between DPRK representatives and an Agency technical team. The issues relate to the taking of certain measurements of fuel rods in storage at the DPRK's 5 MW(e) experimental nuclear reactor and to the monitoring of nuclear-waste tanks at the reprocessing plant in the DPRK to verify that there is no movement or any operation there involving those wastes. The technical talks were initially scheduled to take place in the spring but were postponed by the DPRK, apparently because of the impasse that existed for some time in its discussions with the United States about the light water reactor project. I reported this to the Agency's Board of Governors in June. In my statement to the Board in September, I was able to report that, following the successful conclusion of more bilateral talks between the DPRK and the United States, the DPRK had indicated its readiness to continue the discussions foreseen with an Agency technical team.

By the time of the Agency's thirty-ninth regular session, which opened on 18 September 1995, and to which I had submitted a written report (GC(39)/18 of 17 August 1995 (appendix II)), I was able to confirm that a further round of technical discussions between the DPRK and an Agency technical team had by then taken place. Limited progress had been made over some issues. On 22 September, the General Conference adopted resolution GC(39)/RES/3 (appendix I). By that resolution, the General Conference, inter alia, endorsed the actions and commended the efforts taken by the Secretariat to implement the safeguards agreement and to monitor the freeze in the DPRK, expressed concern over the

continuing non-compliance of the DPRK with its safeguards agreement and urged it to cooperate fully with the Agency in the implementation of that agreement.

At the post-General Conference meeting of the Board of Governors on 25 September, I reported in some detail on the talks held in the DPRK from 12 to 18 September. I explained to the Board that, although the DPRK had agreed to Agency measurements of irradiated fuel rods in storage at the 5 MW(e) experimental reactor, which would verify whether the rods were all irradiated fuel, it had not agreed to measures that would give information about the total amount of plutonium in the spent fuel. This information will have to be obtained through measurements, with some limitations in accuracy, at a much later date (i.e. more than five years hence), and could require opening of the storage containers at significant additional cost. You may recall that the Agency had envisaged taking the required measurements, during the transfer of the spent fuel into containers for storage.

I reported also to the Board that no agreement had been reached about the installation of additional Agency monitoring equipment at nuclear waste tanks in the DPRK's reprocessing plant, to enable the Agency to verify, on a continuous basis, that there is no movement or any operation involving those wastes. This issue remains to be resolved. However, some implementation measures that had been agreed in January with the DPRK but had not been applied because of objections by the operator (e.g. photographing of the new process line of the reprocessing plant by inspectors) will now be implemented as soon as possible. Finally, a detailed technical paper on the preservation of information by DPRK given to DPRK representatives at the beginning of the talks was not discussed; the DPRK indicated its intention to study the paper and to discuss it with Agency representatives at a future meeting. This paper describes the information that the DPRK needs to preserve and which the Agency needs as relevant to the verification of the DPRK's initial report.

I should be grateful if you would bring the present letter and its enclosures to the attention of the Security Council, to which I shall continue to report further developments.

(Signed) Hans BLIX

Appendix I

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Resolution GC(39)/RES/3 adopted on 22 September 1995 during the ninth plenary meeting

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The General Conference,

(a) Recalling the Board of Governors' resolutions GOV/2436 of 25 February 1993, GOV/2639 of 18 March 1993, GOV/2645 of 1 April 1993, GOV/2692 of 23 September 1993, GOV/2711 of 21 March 1994 and GOV/2742 of 10 June 1994 and General Conference resolutions GC(XXXVII)/RES/624 of 1 October 1993 and GC(XXXVIII)/RES/16 of 23 September 1994,

(b) Noting the Director General's report contained in document GC(39)/18,

(c) Recalling further resolution 825 (1993) adopted by the Security Council of the United Nations on 11 May 1993 and the 31 March 1994, 30 May 1994 and 4 November 1994 statements by the President of the United Nations Security Council, particularly the request to take all steps the Agency may deem necessary to verify full compliance by the Democratic People's Republic of Korea (DPRK) with its safeguards agreement with the Agency,

(d) Noting that the DPRK has decided to remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons and reaffirming that the IAEA-DPRK safeguards agreement (INFCIRC/403) under the Treaty remains binding and in force,

(e) Noting also the stated intention of the DPRK to come into full compliance with the safeguards agreement and the continuing IAEA-DPRK discussions on outstanding safeguards issues, and

(f) Regretting the withdrawal of the DPRK from the Agency and expressing the hope that the DPRK will rejoin,

1. Strongly endorses the actions taken by the Board of Governors and commends the Director General and the Secretariat for their impartial efforts to implement the IAEA-DPRK safeguards agreement;

2. Commends the Secretariat for its efforts to monitor the freeze of specified facilities in the DPRK as requested by the United Nations Security Council;

3. Expresses concern over the continuing non-compliance of the DPRK with the safeguards agreement and calls upon the DPRK to comply fully with the IAEA-DPRK safeguards agreement;

4. Urges the DPRK to co-operate fully with the Agency in the implementation of the safeguards agreement and to take all steps the Agency may deem necessary to preserve, intact, all information relevant to verifying the accuracy and completeness of the DPRK's initial report on the inventory of nuclear material subject to safeguards until the DPRK comes into full compliance with its safeguards agreement; and

5. Decides to include in the agenda for its fortieth regular session an item entitled "Implementation of the agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons".

Appendix II

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (INFCIRC/403)

Report by the Director General to the General Conference (GC(39)/18)

1. In resolution GC(XXXVIII)/RES/16 of 23 September 1994, the General Conference, inter alia, decided:

> "to include in the agenda for its thirty-ninth regular session an item entitled "Implementation of the agreement between the Agency and the Democratic People's Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons".

This report is designed to provide information to the General Conference in its consideration of this item of its agenda.

THE SITUATION PREVAILING WITH REGARD TO SAFEGUARDS IMPLEMENTATION IN THE DPRK AT THE TIME OF THE THIRTY-EIGHTH REGULAR SESSION OF THE GENERAL CONFERENCE

2. The Director General's report to the General Conference in 1994 in document GC(XXXVIII)/19 recalled the overall developments which had taken place in safeguards implementation in the DPRK pursuant to the DPRK's Safeguards Agreement with the Agency (INFCIRC/403), both with regard to inconsistencies between the DPRK's initial report on its nuclear material subject to safeguards and the Secretariat's findings and to the DPRK's declared nuclear activities. The report focussed in particular on developments throughout

the course of 1994 up until the time of the General Conference. These included problems over inspection activities at declared nuclear facilities in the DPRK despite the DPRK's acceptance, on 15 February 1994, of a detailed list of such activities for providing continuity of safeguards knowledge and later, the discharge of fuel from the DPRK's 5 MWe Experimental Nuclear Power Plant, without the safeguards measures requested by the Agency and in a way which seriously eroded the Agency's ability to take further measures crucial to its ability to ascertain whether all the plutonium produced in the DPRK had been declared to the Agency. These developments also included the continuous inspector presence in the Nyongbyon area beginning in May. The report also covered developments following the DPRK's withdrawal from the Agency membership with effect from 13 June 1994, notably, the DPRK's initially declared unwillingness to accept further Agency inspection activities and the later modification of its position in this regard. The Director General's report to the General Conference in 1994 concluded with an account of some positive developments which had taken place early in September 1994, namely, oral and practical indication that the DPRK was ready to enlarge the scope of inspections, as requested by the Agency, at declared nuclear facilities in the DPRK. The report also recalled that, at the meetings of the Board of Governors which had taken place on 12 September 1994, the Director General and the Secretariat were commended on their efforts to discharge their safeguards responsibilities in the DPRK and were requested to continue with those efforts.

DEVELOPMENTS OVER SAFEGUARDS IMPLEMENTATION IN THE DPRK SINCE THE THIRTY-EIGHTH REGULAR SESSION OF THE GENERAL CONFERENCE

3. Following progress made during bilateral consultations between DPRK and United States representatives, the DPRK accepted enlarging the scope of inspections in early September 1994. The Agency inspectors were given access to the Nuclear Fuel Rod Fabrication Plant and the Nuclear Fuel Rod Storage facility for periodic inspections, as required by the Agency. The inspectors were also enabled, in addition to the other activities being carried out at the 5 MWe Reactor, to enter the reactor fuel storage to verify the fresh fuel rod inventory. However, at the Radiochemical Laboratory, the DPRK continued to refuse to allow *the* Agency inspectors to ascertain the state of completion of the new process line under construction there and declined examination of records and gamma-mapping activities.

4. Further, bilateral talks between the DPRK and the United States in the autumn of 1994 culminated in an 'Agreed Framework', (reproduced in INFCIRC/457) signed in Geneva on 21 October 1994. This envisages specific functions for the Agency, notably to monitor a "freeze on the DPRK's graphite-moderated reactors and related facilities", to continue with verification activities at facilities not covered by the freeze and to take measures required

with a view to verifying, at a later date, the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK. The Director General briefed Members of the Agency informally on 25 October 1994 about the potential implications for the Agency of the Agreed Framework, inter alia, emphasizing that such a bilateral instrument could not replace, supersede or detract from the Safeguards Agreement between the IAEA and the DPRK. The Director General similarly briefed Members of the Security Council on 28 October 1994. The Security Council considered the Agreed Framework and on 4 November, the President of the Security Council issued a Statement (S/PRST/1994/64). Extracts from the Statement of direct relevance to the Agency are attached at attachment I. Key points are that through the Statement, the Security Council, inter alia:

- Took note of the decision of the DPRK in the "Agreed Framework" to remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons and to come into full compliance with the IAEA-DPRK Safeguards Agreement (INFCIRC/403) under the Treaty;

- underlined that the Safeguards Agreement remains binding and in force and looked to the DPRK to act thereon;

- noted with approval the DPRK's decision in the Agreed Framework to freeze its graphite-moderated reactors and related facilities;

- noted that IAEA monitoring activities with respect to such a voluntary measure are within the scope of verification activities under the IAEA-DRPK Safeguards Agreement;

- requested the IAEA to take all steps it may deem necessary as a consequence of the Agreed Framework to monitor the freeze and,

- requested the IAEA to continue to report to it on the implementation of the Safeguards Agreement until the DPRK has come into full compliance with the Agreement and to report to the Council on its activities related to monitoring the freeze of the specified facilities.

5 At a special meeting of the Board of Governors convened for 11 November 1994, the Director General, in his written report (GOV/2687/Add.9 of 8 November 1994) and in his oral Statement, described the Agency's understanding of the freeze to which the Agreed Framework and the Statement by the President of the Security Council had referred i e. that there will be no operations at the facilities covered by the freeze and no construction work

of any kind, either at existing facilities or new, related facilities, that the spent fuel from the 5 MWe reactor will be stored and disposed of in a manner that does not involve reprocessing in the DPRK; and that any movements of nuclear material or equipment within those facilities, any necessary maintenance work by the operator and any transfers of nuclear material out of the facilities would have to be carried out under the observation of Agency inspectors or under other Agency arrangements. The Director General also recalled that monitoring of a freeze, as requested by the Security Council and as understood above can be performed by the Agency in the course of implementing safeguards in the DPRK; the activities required are part of activities which the Agency may perform while implementing safeguards agreements. The main additional element in the DPRK case would be the specific reporting to the Security Council on the monitoring of the freeze.

6. The Director General's written report in GOV/2687/Add.9 to the November 1994 Board meeting, inter alia, listed the declared nuclear facilities in the DPRK to be covered by the freeze (see attachment II), explained that other facilities and installations included in the DPRK's declarations but which are not covered by the freeze will also be subject to safeguards, said that the Agency's current assessment of the resources required for safeguards implementation in the DPRK, including monitoring the freeze, would not much exceed the resources now being spent and highlighted the practical meaning of the Agency verifying "full DPRK compliance with the IAEA-DPRK Safeguards Agreement" to which the Statement of 4 November 1994 by the President of the Security Council had referred.

7. The Director General explained that "full compliance" clearly encompasses the verification of the accuracy and completeness of the DPRK's Initial Report on the inventory of nuclear material subject to safeguards and requires the DPRK to take all the steps in this regard that the Agency may deem necessary to preserve, intact, all information relevant to such verification, following technical discussions between the IAEA and DPRK. The commitment by the DPRK in the Agreed Framework foresees a delay before the Agency is enabled to verify the accuracy and completeness of the initial report and to verify full DPRK compliance with the IAEA/DPRK Safeguards Agreement. However, the Director General has stressed both to Members of the Agency and to the Security Council, that it would be better for all concerned if cooperation in this respect from the DPRK were to come promptly, as required by the Safeguards Agreement. The Agency's ability to verify full compliance with the IAEA/DPRK Safeguards Agreement will depend substantially on the extent to which all relevant information will remain available

8. At its meeting on 11 November 1994, the Board of Governors, inter alia, took note of the Agreed Framework and of the DPRK's decision therein to remain a party to the NPT and to come into full compliance with the IAEA/DPRK safeguards agreement. The Board also reaffirmed that the safeguards agreement remained binding and in force; authorized the Director General to carry out all the tasks requested of the Agency as outlined in the Presidential Statement of the United Nations Security Council on 4 November 1994; and requested the Director General to report to it periodically and to the Security Council as appropriate on the implementation of the IAEA/DPRK safeguards agreement and on Agency activities related to monitoring the freeze on specified facilities in the DPRK. Subsequently, a technical team from the Department of Safeguards, visited the DPRK from 23-28 November 1994 to discuss the verification measures which the IAEA has to perform at nuclear facilities in the DPRK whether or not those facilities are covered by the freeze. During this visit, the IAEA technical team visited all the nuclear facilities subject to the freeze in Nyongbyon and the reactor under construction in Taechon and confirmed that they were not in operation and that construction work had stopped. In his statement to the Board on 8 December 1994, the Director General recalled that these technical discussions between Agency and DPRK representatives had been useful and constructive and that implementation of some of the measures required was already under way. He also said that arrangements had been made to enable the Agency to meet most of its objectives, although a few remaining areas required further technical consideration and discussion with DPRK representatives

9. To take all these matters forward, the Agency technical team again visited the DPRK in January of this year. Discussions with DPRK representatives focussed on the implementation of the verification measures already agreed and technical issues which had been left open since November 1994. In the former context, the DPRK accepted some verification activities, such as containment and surveillance measures, which the Agency needs to carry out to verify the freeze, but declined other measures, relevant to the monitoring of the freeze, such as the taking of measurements of liquid wastes at the Radiochemical Laboratory *to* verify that there is no movement or any operation involving there wastes and measurements for assessing the total amount of plutonium in spent fuel rods from the DPRK's 5 MWe Experimental Nuclear Power Plant. The spent fuel measurements should be taken during the transfer of the spent fuel into containers for storage. These measurements would also verify whether all the rods in the spent fuel storage are indeed spent fuel rods. The DPRK regards such issues as matters to be addressed later, when the DPRK comes into full compliance with its safeguards agreement. In that respect, a difference continues between the Agency and the DPRK as to the current status of the safeguards agreement. The DPRK regards acceptance of measures required to enable the

Agency to monitor the freeze as not being under the safeguards agreement but as falling solely within the context of the 'Agreed Framework'. DPRK has further indicated that, until such time as it comes into full compliance with its safeguards agreement, the Agency can carry out ad hoc and routine inspections only at facilities not covered by the freeze.

10. Notwithstanding the continuing difference of view between the Agency and the DPRK as to the current status of the Safeguards Agreement, the Director General was able to report in his statement to the Board in March 1995 that verification measures in the DPRK were proceeding at facilities covered by the freeze in the way envisaged by the Agency with the exception of the taking of certain measurements. The taking of these measurements was an important issue for further discussion, expected to take place in the Spring. Safeguards implementation had also been facilitated for the Agency through the DPRK's acceptance of 10 additional inspector designations and continuous presence of Agency inspectors at Nyongbyon. The Director General also observed that another important issue, the steps which the DPRK needed to take to meet its undertaking to preserve, intact, all information relevant to the verification of the accuracy and completeness of its initial declaration, had yet to be discussed between Agency and DPRK representatives.

11. At the conclusion of its consideration of the DPRK item on its agenda in March 1995, the Board, having taken note of the Director General's remarks, welcomed the fact that further technical discussions between Agency and DPRK representatives had been scheduled for the Spring and hoped that further agreement would be reached on the issues outstanding.

12. Unfortunately, the technical discussions scheduled for the Spring did not take place. On 11 April 1995 the Agency invited a DPRK team to Vienna to continue technical discussions. In response, the DPRK informed the Agency, on 20 April 1995, that the Agency technical team should visit Pyongyang early in May. On 2 May, however, the DPRK informed the Agency that the DPRK continues to regard the activities of the IAEA in their country as directly related to the implementation of the "Agreed Framework". In the DPRK's view therefore, at a time when negotiations between the US and DPRK over aspects of that bilateral agreement related to the light water reactor issue, were at stalemate, there was little point in holding further technical discussions with the Agency. The DPRK was nevertheless aware that the Agency was ready to resume technical discussions at any time.

13. The Director General reported this in his statement to the June 1995 meetings of the Board of Governors; and informed the Board about the inspections which had taken place, since the March 1995 Board meeting, at three of the DPRK's declared nuclear facilities not covered by the freeze. As for facilities covered by the freeze, the Director General reported

that DPRK had conducted maintenance work at the 5 MWe Experimental Power Plant, and had indicated that they planned to carry out such work also at the Radiochemical Laboratory. The Director General concluded his statement to the Board by saying that such maintenance work as had so far been carried out had taken place in the presence of IAEA inspectors.

14. At the conclusion of its consideration of the DPRK the Board took note of the information provided by the Director General, said it would like to see further technical talks between the Agency and the DPRK taking place soon and wished to see agreement reached on the issues outstanding.

15. Since then the Agency has maintained its continuous inspection presence in the Nyongbyon area. After the conclusion of the recent round of bilateral US/DPRK discussions on the light water reactor issue, the DPRK indicated its readiness to continue discussions with the IAEA technical team. The technical discussions are planned during the week starting 11 September 1995 in DPRK. The topics suggested by the IAEA for discussion during the forthcoming meeting include all the outstanding issues of measurements and other implementation matters as well as the Agency's requirements with regard to the information deemed necessary by the Agency to be preserved intact by DPRK, so as to permit in the future the verification of the accuracy and completeness of the DPRK's initial declaration.

Attachment I

EXTRACTS FROM STATEMENT (S/PRST/1994/64) ISSUED BY THE PRESIDENT OF THE SECURITY COUNCIL ON 4 NOVEMBER 1994, OF DIRECT RELEVANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

(a) The Security Council reaffirmed the critical importance of International Atomic Energy Agency (IAEA) safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (the Treaty) and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

(b) The Security Council noted with satisfaction the "Agreed Framework between the United States of America and the Democratic People's Republic of Korea (DPRK)" (Agreed Framework) of 21 October 1994 as a positive step in the direction of denuclearizing the Korean Peninsula and maintaining peace and security in the region.

(c) The Security Council took note of the decision of the DPRK in the Agreed Framework to remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons. It noted also the DPRK's decision to come into full compliance with the IAEA-DPRK Safeguards Agreement (INFCIRC/403) under the Treaty.

(d) The Council underlined that the Safeguards Agreement remains binding and in force and looked to the DPRK to act thereon. The Council requested the IAEA to take all steps it may deem necessary, following consultations between the IAEA and DPRK with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK, to verify full DPRK compliance with the IAEA-DPRK Safeguards Agreement.

(e) The Security Council noted with approval the DPRK decision in the Agreed Framework to freeze its graphite-moderated reactors and related facilities, which is a voluntary measure beyond what is required by the Treaty and the IAEA-DPRK Safeguards Agreement.

(f) The Security Council, having received an oral report from the Director General of the IAEA, noted further that IAEA monitoring activities with respect to such a voluntary measure are within the scope of verification activities under the IAEA-DPRK Safeguards Agreement.

(g) The Security Council requested the IAEA to take all steps it may deem necessary as a consequence of the Agreed Framework to monitor the freeze.

(h) The Security Council also requested the IAEA to continue to report to it on implementation of the Safeguards Agreement until the DPRK has come into full compliance with that Agreement and to report to the Council on its activities related to monitoring the freeze of the specified facilities.

Attachment II

EXTRACTS FROM INFCIRC/457

(TEXT OF THE "AGREED FRAMEWORK" BETWEEN THE US AND THE DPRK SIGNED IN GENEVA ON 21 OCTOBER 1994)

The Facilities in the DPRK covered by the freeze:

1. The Nyongbyon 5 MWe Experimental Nuclear Power Plant.

2. The Nyongbyon Nuclear Fuel Rod Fabrication Plant

3. The Radiochemical Laboratory of the Institute of Radiochemistry of Nyongbyon.

4. The Nyongbyon 50 MWe Nuclear Power Plant (under construction).

5. The Taechon 200 MWe Nuclear Power Plant (under construction).